

REMARKS

Claims 1-20 are pending in the present application. Claim 1 has been amended by deleting the term “/or”. The amendments to the claims do not introduce any new matter.

Claims 1-20 were rejected under 35 USC 103(a) as being unpatentable over US Patent 6,672,349 to Glintz in view of US Patent 5,328,949 to Sandstrom. The cited references do not render obvious the present invention.

As recited in claim 1 as amended and as is evidenced from that shown in Tables I and II, the essence of the present invention resides in the use of the component (B) (i) cobalt acetyl acetate Co (acac)₃ in an amount of 0.1 to 5 parts by weight based upon 100 parts by weight of the diene-based rubber, among others, along with the use as a reinforcing filler, carbon black and silica in a weight ratio of 10/1 to 1/2.

As a result, the bondability between the ring-shaped metal shell and the rubbery elastic members can be improved and the run flat driving capability of the run flat support member can be improved. This is evidenced by Tables I and II of the present application. In particular, please see the results of Examples 1-4 in Table I and the results of Examples 5-12 in Table II, all of which include cobalt acetyl acetate Co (acac)₃. Please note that Comparative Examples 1-4 do not include cobalt acetyl acetate Co (acac)₃ and that Standard Example 5 include cobalt acetyl acetate Co (acac)₃ but does not include carbon black (i.e. Asahi # 60) and silica (i.e., Nipsil AQ) within the claimed weight ratio range of 10/1 to 1/2.

These are completely absent from the cited references.

Glintz suggests a vehicle wheel having a run flat tire construction comprising a run flat support member formed of a ring-shaped metal shell and a rubber elastic member as pointed out by the examiner. However, as mentioned above, Glintz fails to even remotely suggest the use of cobalt acetyl acetate Co (acac)₃ together with carbon black and silica in the specified weight ratios in the rubbery elastic member.

Sandstrom et al fail to overcome the above discussed deficiencies of Glintz with respect to rendering obvious the present invention. Sandstrom et al. suggest a rubber composition comprising an elastomer, silica, optionally carbon black and a silica coupler that comprises dithiodipropionic acid. However, Sandstrom et al also fail to even remotely suggest the use of cobalt acetyl acetonate $\text{Co}(\text{acac})_3$ together with carbon black and silica in the specified weight ratios in the rubbery elastic member.

The cited art lacks the necessary direction or incentive to those of ordinary skill in the art to render the rejection under 35 USC 103 sustainable. The cited art fails to provide the degree of predictability of success of achieving the properties attainable by the present invention needed to sustain a rejection under 35 USC 103. See *KSR Int'l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727; 82 USPQ2d 1385 (2007), *Diversitech Corp. v. Century Steps, Inc.* 7 USPQ2d 1315 (Fed. Cir. 1988), *In re Mercier*, 185 USPQ 774 (CCPA 1975) and *In re Naylor*, 152 USPQ 106 (CCPA 1966).

Moreover, the properties of the subject matter and improvements which are inherent in the claimed subject matter and disclosed in the specification are to be considered when evaluating the question of obviousness under 35 USC 103. See *KSR Int'l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727; 82 USPQ2d 1385 (2007), *Gillette Co. v. S.C. Johnson & Son, Inc.*, 16 USPQ2d. 1923 (Fed. Cir. 1990), *In re Antonie*, 195, USPQ 6 (CCPA 1977), *In re Estes*, 164 USPQ 519 (CCPA 1970), and *In re Papesch*, 137 USPQ 43 (CCPA 1963).

No property can be ignored in determining patentability and comparing the claimed invention to the cited art. Along these lines, see *In re Papesch*, supra, *In re Burt et al*, 148 USPQ 548 (CCPA 1966), *In re Ward*, 141 USPQ 227 (CCPA 1964), and *In re Cescon*, 177 USPQ 264 (CCPA 1973).

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185, under Order No. 21713-00028-US1 from which the undersigned is authorized to draw.

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Respectfully submitted,

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